



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,394	01/16/2002	Michael Fliesler	F0466	6188

7590 03/05/2004

Himanshu S. Amin
Amin & Turocy, LLP
24th Floor, National City Center
1900 E. 9th Street
Cleveland, OH 44114

EXAMINER

DICKEY, THOMAS L

ART UNIT	PAPER NUMBER
----------	--------------

2826

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/050,394

Applicant(s)

FLIESLER ET AL.

Examiner

Thomas L Dickey

Art Unit

2826

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 2/4/04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: 3.

Claim(s) rejected: 1 and 4-8.

Claim(s) withdrawn from consideration: 9-24.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Minhloan Tran
Primary Examiner
Art Unit 2826

Continuation of 2. NOTE: Applicant proposes to amend claims 1,9, and 24 to require that the diode breakdown voltage exceed the supply voltage by 0.1 volts or more. This limitation constitutes new matter, inasmuch as the application as filed does not disclose inventions having the limitations of claims 1,9, and 24 as they presently exist and further requiring that the diode breakdown voltage exceed the supply voltage by 0.1 volts or more. The original application discloses such inventions with the limitation the diode breakdown voltage exceed the supply voltage by 2 volts or more, note application at page 6 line 26 and page 10 line 19. The original application discloses such inventions with the limitation that the supply voltage is 5 volts and the diode breakdown voltage is 7-9 volts, note application at page 9 lines 23-25. The original application discloses such inventions with the limitation the diode breakdown voltage simply exceeds the supply voltage, note application at page 3 lines 26-29 and page 5 lines 32-33. But the original application does not disclose such inventions with the limitation that the diode breakdown voltage exceeds the supply voltage by 0.1 volts or more.